-- 53. (New) The invention of Claim 51, wherein the access line comprises a voice channel and a data channel coupling the home automation controller with the home automation server. --

REMARKS

In the Office Action of September 28, 1999, each of the pending claims, except Claim 1 and its dependent claims (Claims 13, 3/1, 4/1, 7/1, 10/1, 11/1, 12/1 and 35), were indicated as being allowable. To expedite the prosecution of this application, Applicants cancelled Claim 1 and its dependent claims. In the Office Action of November 8, 1999, the Examiner withdrew the indication of allowability of the pending claims in view of a newly-discovered reference: U.S. Patent No. 5,086,385 to Launey et al. Given this withdrawal, Applicants have re-entered the cancelled claims in this Amendment. Specifically, an amended form of Claims 1, 13, and 35 now appears as new Claims 51-53, and dependent Claims 3, 4, 7, and 10-12 have been amended to depend on new Claim 51.

For the reasons set forth below, Applicants respectfully request reconsideration and withdrawal of the rejections based on Launey et al. Before turning to these rejections, Applicants present a brief overview of Launey et al.

I.   Brief Overview of Launey et al.

Launey et al. is directed to an expandable home automation system in which a central processor in a customer premises is used as a control system for the automation of electrical subsystems found in the customer premises. For example, as shown in Figure 1, the central processor 10 can control plumbing-related systems 33, home lighting 30, and other devices and appliances 31. To control the operation of these household devices, a user can interact with the

central processor 10 using user interface devices located in his home, such as touch screens 16a-b

and a keyboard 18. Additionally, a user can interact with the central processor 10 from a remote

location using external computer terminals 52A-C. It is important to note that in both situations,

the central processor 10 directly controls the devices connected to it and does not send a request

to control the devices to a remotely-located application. Further, while the external computer

terminals 52A-C can be used as an alternate form of device control, neither these terminals nor

any other remote device (such as the file server 51 or the data base 44) sends a control signal to a

device in response to a request from the central processor 10. The central processor 10 in the

customer premises can also be used to retrieve information from a remote data base 44 or

network file server 51. For example, Figure 3N shows an information sub-menu that is presented

on a touch screen in a user's home. If the user wants a weather report, he touches the "weather"

box displayed on the touch screen, and the central processor 10 contacts the remote data base 44

or network file server 51 and downloads the requested information.

Figure 1 also shows the central processor 10 connected to a home security system 38.

Column 9, lines 9-15 explain that the security system 38 is preferably an off-the-shelf security

system (Silent Knight Model 4000) that communicates with the central processor 10 via an RS-

232-to-security-system translator 36. It is important to note that Launey et al. does not describe

any interaction between the home security system 38 and the remote data base 44, network file

server 51, or external terminals 52A-C.

II.   Claims 2, 16, 18, 20, 22, 24, 28, and 34

Independent Claims 2, 16, 18, 20, 22, 24, 28, and 34 (and their dependent claims) relate

to a home security system/method with a security sensor located in a customer premises and a

remotely-located home security server comprising a home security application operative to

8

monitor the sensor. In the Office Action, these claims were rejected as being unpatentable in view of Launey et al., either alone or as modified. Applicants respectfully traverse these rejections for the reasons set forth below.

A.   Claims 2, 22, 24, 28, and 34

Claims 2, 22, 24, 28, and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Launey et al. It is a basic principle of patent law that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131, page 2100-63. Applicants respectfully request removal of the rejections of Claims 2, 22, 24, 28, and 34 (and their dependent claims) because Launey et al. does not teach each and every element recited in these claims.

Claims 2, 22, 24, 28, and 34 each recite a home security application that is remotely located from a customer premises. The remotely-located home security application is operative to monitor a security sensor located in the customer premises. In operation, the sensor in the customer premises sends a signal to the remotely-located application indicating that the sensor has been triggered, and the remotely-located application activates an alarm in response to the signal.

Launey et al. does not teach each of the recited elements. As described above, the home security system 38 in Launey et al. is connected to a central processor 10 that is located *within* the customer premises — *not remote* to the customer premises as recited in the claims. In the Office Action, it was asserted that the network file server 51, external terminals 52A-C, and remote data base 44 are the recited home security server. However, there is *no* teaching in Launey et al. of *any* interaction between the home security system 38 and the components asserted to be the home security server — these components are used merely to control home

devices and appliances and for information retrieval. How can the network file server 51,
external terminals 52A-C, and the remote data base 44 be considered the recited home security
server if these components do not interact with the described home security server 38? In answer
to this question, it was asserted that the network file server 51 and remote data base 44 inherently
include an application that monitors all the devices and sensors described in Launey et al.,
including the home security system 38. However, such a teaching is not inherent.

Under the doctrine of inherency, an asserted inherent teaching *must be necessarily*
present in the reference. A remotely-located home security application is not necessarily present
in Launey et al. because Launey et al. already teaches that the home security application is
present *in the customer premises* (*i.e.*, the central processor 10 / home security system 38 in the
customer premises). The fact that it may be possible, using Applicants' claims as a blueprint, to
relocate the home security application to a remote server does not make the asserted teaching
inherent. *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268-69 (Fed. Cir. 1991)
("Inherency . . . may not be established by probabilities or possibilities[, and the] mere fact that a
certain thing may result from a given set of circumstances is not sufficient"). Further, Launey et
al. teaches the use of a remote data base 44 and network file server 51 *only* for information
retrieval and remote home automation control — not for any type of monitoring. All monitoring
in Launey et al. occurs at the central processor 10. Again, just because it is possible to use a
remote file server for monitoring purposes does not make the teaching inherent in Launey et al.

B.   Claims 16, 18, and 20

Claims 16, 18, and 20, like the claims discussed above, recite a home security application
that is remotely located from a customer premises and is operative to monitor a security sensor
located in the customer premises. Claims 16 and 18 further recite specific hardware that

connects the sensor in the customer premises to the remotely-located home security application. These claims were rejected under 35 U.S.C. § 103(a) in view of a proposed modification of Launey et al. Applicants submit that, even if there is a suggestion to make the proposed modification, the proposed modification still fails to teach the claimed invention because it does not teach a remotely-located home security application, as discussed above in conjunction with Claims 2, 22, 24, 28, and 34.

III.   Claims 15, 17, 19, 21, 23, 25, 33, and 51

Independent Claims 15, 17, 19, 21, 23, 25, and 33 relate to a home automation system and were rejected under 35 U.S.C. §§ 102(b) and 103(a) in view of Launey et al. In this Amendment, Applicants have amended these claims to recite that the home automation controller in the customer premises controls operation of a load in the customer premises by sending a request to a remotely-located home automation application. In response to this request, the remotely-located home automation application sends a control signal to the load to control its operation. New Claim 51 contains similar elements.

Applicants submit that Launey et al. does not teach or suggest the claimed elements. In Launey et al., a central processor 10 directly controls the devices connected to it. For example, if a user wants to control home lighting 30, he interacts with a touch screen 16a to turn on the lights. In operation, the request is sent from the touch screen 16a to the central processor 10, which sends a command signal to control the operation of the lights. The central processor 10 directly controls the load *without* sending a request to a remotely-located application, as recited in the claims. While the external computer terminals 52A-C can be used as an alternate form of device control, neither these terminals nor any other remote component (such as the file server 51 or the data base 44) controls a load in response to a request from the central processor 10.

11

Sending a request for the control of a local device to a remotely-located home automation application provides several advantages over the system disclosed in Launey et al. First, because the remotely-located home automation application can be run on a more computationally-intensive processor than the central processor in Launey et al., more sophisticated features can be offered to a user. Second, because a user does not need to purchase a central processor, the high-cost associated with a central processor will not limit the wide-spread use of the system. Third, because the home automation application is located remotely from the customer premises, a single application can serve multiple customers. In this way, many users can receive new features with a single update instead of updates to many local central processors.

IV.   Conclusion

In summary, because Launey et al., either alone or as modified, does not teach each and every element of the pending claims, the rejections against the claims should be removed. It should be noted that while only the independent claims were discussed above, the dependent claims are patentable for at least the reasons discussed above in conjunction with the independent claims. Further, Applicants reserve the right to present additional arguments for the patentability of these claims.

In view of the foregoing amendment and remarks, Applicants submit that all pending claims are in condition for allowance. Reconsideration is respectfully requested.

If the Examiner has any questions regarding this response, he is invited to contact the undersigned attorney at (312) 321-4719.

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